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State of Connecticut

PRELIMINARY REPORT

OF THE

PUBLIC UTILITIES COMMISSION

1911

State of Connecticut
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PRELIMINARY REPORT
OF THE
PUBLIC UTILITIES COMMISSION
TO
THE GOVERNOR

SEPTEMBER 9, 1911—DECEMBER 31, 1911

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THE BOARD OF CONTROL

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PUBLIC UTILITIES COMMISSION

STATE OF CONNECTICUT

PRELIMINARY REPORT OF THE PUBLIC UTILITIES COMMISSION

SEPTEMBER 9, 1911—DECEMBER 31, 1911

To His Excellency

SIMEON E. BALDWIN,

Governor of Connecticut.

The Public Utilities Commission is required to make an Annual Report to the Governor on or before the first day of December in each year, but as the law creating the Commission did not go into effect, and the Commission did not take office until September 9, 1911, the first Annual Report will not be made until on or before December 1, 1912. The Commission, however, deems it proper at this time to make a preliminary report of its organization and a brief summary of its official proceedings for the period ending December 31, 1911, which will be supplemented in the first Annual Report of the Commission.

ORGANIZATION.

The members of the Commission, consisting of Richard T. Higgins, Theodore B. Ford, and John H. Hale, received the

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oath and assumed the duties of office on September 9, 1911. The Commission organized by electing Richard T. Higgins Chairman, appointing Henry F. Billings Secretary, and employing Charles C. Elwell as Chief Engineer and Inspector. The Commission received and took possession of all the books, records, and other papers of the Railroad Commissioners, together with the rooms in the Capitol theretofore occupied by the Railroad Commissioners.

Upon investigation and inquiry of the Inspector General of gas meters and illuminating gas, it was learned that there was no record kept by or return made from that office, and no books, records, apparatus, or paraphernalia to be turned over to this Commission.

The Comptroller upon request for larger quarters, which should be for the exclusive use of the Commission, has furnished two additional rooms, making in all a suite of four rooms on the third floor of the Capitol, appropriately furnished, with one room designed and fitted up for public hearings.

The Commission is arranging a systematic record and filing system and is negotiating for the necessary apparatus for making meter tests, as required by law.

The present permanent working force of the Commission is as follows: Commissioners, Secretary, Chief Engineer and Inspector, Accountant and three Stenographers, who also perform general clerical duties. All employees of the Commission are engaged solely upon the grounds of necessity, qualifications, fitness, and honesty, without regard to personal friendship or political affiliations.

PROCEEDINGS.

The work of the Commission has thus far been so largely initial and covers so short a period of time that only a brief summary of its official proceedings will be made in this preliminary report.

Some difficulty has been experienced in obtaining an accurate and complete list of the active public service corporations in the State coming under the jurisdiction of this Com-

mission, owing to the merger or abandonment without record of some of the chartered companies.

The list made up at the date of this report is as follows:

Steam Railroad Companies, ...	7
Street Railway Companies, ...	13
Telephone Companies, ...	2
Telegraph Companies, ...	2
Express Companies, ...	1
Water, Gas, and Electric Light Companies, ...	179
Making in all, ...	204

The water, gas, and electric light companies are combined in this report, as a number of these individual companies are engaged in furnishing two or more of the above utilities and a reliable subdivision has not yet been made.

A copy of Chapter 128 of Public Acts of 1911, being an Act concerning the Regulation and Supervision of Public Service Corporations, has been sent to all the known public service corporations, together with instructions for reporting accidents as required under the provisions of said Act.

INSPECTION OF STEAM RAILROADS.

The annual inspection of the steam roads made by the Chief Engineer and Inspector for the Commission between October 4, 1911, and November 23, 1911, was characterized with unusual thoroughness and care. All bridges, abutments, and the approaches thereto were carefully examined and defects wherever appearing noted and instructions given to the company to correct. The roadbed, rails, ties, bridges, and abutments were, as a whole, found in good condition. All stations, freight houses, and station toilets were examined and in many instances the sanitary conditions of the toilets were found to be objectionable. These objectionable features are being improved and will be followed up with a view to having all stations kept in a clean and sanitary condition.

ACCIDENTS.

The law requires public service companies to report all accidents attended with personal injury or involving public safety, which were, or may have been, connected with or due to the operation of its plant or equipment, or caused by contact with its wires, and requires the Commission to examine into the cause of and the circumstances connected with all fatal accidents and such other accidents as in its judgment shall require investigation. The companies in reporting all accidents include the very minor and trivial accidents and injuries occurring daily and which are necessarily incident to railroad and other hazardous operation.

There have been reported to the Commission 870 accidents, 54 of which were fatal. The Commission has investigated, including the fatal accidents, 57 cases, making in each case a record of the causes, facts, and circumstances of each accident.

In the following cases, orders, recommendations, or suggestions were made:

On October 10, 1911, an electric train, operating between Middletown, Berlin, and Meriden, on the New York New Haven and Hartford Railroad, collided with a switch engine in the yard of said company at Middletown due to causes involving the signal system then in use.

The company was requested to submit a plan of signals, for approval of the Commission, which would more adequately protect trains of steam railroad and electric railway.

On October 14, 1911, a collision occurred at Berlin Junction on the New York, New Haven and Hartford Railroad between a passenger train operating between New Britain and Berlin Junction, and freight cars which had broken away from others in a train being moved from New Britain to Berlin, resulting in the death of the engineer of the passenger train and another man who was on the engine at time of collision. The Commission requested the New York, New Haven and Hartford Railroad Company to prepare and submit a plan to and for the approval of the Commission which would so locate the tracks

of the Berlin-New Britain Branch at Berlin Junction as to bring the terminus of said tracks in a line practically parallel with the main line of said company at said point instead of at right angles, and recommended that a certain rule of the company be changed or amended so that yardmen would have no excuse for backing any cars down the grade between New Britain and Berlin.

On October 22, 1911, a collision occurred near Park Street Bridge in the City of Hartford on the line of the New York, New Haven and Hartford Railroad between a work train and a regular passenger train. Work was being done on said bridge which made it necessary for both north and south bound trains to use a single track, over said bridge, known as a gauntlet, and making it necessary for one train to stop before entering on the single track line, provided two trains arrived at a certain point at practically the same time. Certain signals were erected to govern the movement of trains, but in the opinion of the Commission, additional cautionary signals should have been furnished, and therefore the company was requested to submit a plan for approval which would improve the signal service and eliminate the danger at all points where it was found necessary to establish a gauntlet.

On November 15, 1911, an employee of The Connecticut Company was killed at New London by receiving an electric shock while attempting to use a telephone on a private line of said company, running from Norwich to New London, by reason of the telephone wires being crossed by an electric light wire in Norwich.

The telephone which was being used was not protected against dangerous currents. As a preventative of similar accidents, it was recommended that electric light and telephone wires be hung and maintained in such a manner as to reduce the liability of contact between them to a minimum and that telephones of The Connecticut Company on exposed circuits be equipped with protectors acceptable to the Commission.

On December 2, 1911, a trainman of the New York, New Haven and Hartford Railroad Company was killed in the yard of said company at Putnam, by being thrown from a freight car which was being switched, in consequence of coming in contact with a switch stand.

To prevent accidents of a similar nature, it was recommended that this particular switch stand be relocated or the adoption of a smaller stand which would give a sufficient clearance to allow yard trainmen to perform their regular work in safety.

On December 8, 1911, a collision occurred in the Water Street yard of the New York, New Haven and Hartford Railroad Company at New Haven, resulting in the death of a trainman. From the facts obtained in the investigation of this accident it was apparent that it occurred from a combination of circumstances, two of which were the close spacing of trains and the misinterpretation of a hand signal given by a towerman in charge of signals, which brought the train collided with to a sudden stop.

It was suggested, as an extra precaution to regular or extra east bound trains using the track on which the collision occurred, an efficient flagging by hand or the use of a dwarf signal which could be thrown up by the towerman and held in a stop position behind east bound trains until they had passed out of the block near Chapel Street in said City.

The investigation of accidents is an important line of work in connection with the Commission's duties as it brings specifically to the attention and knowledge of the Commission each fatal and serious accident together with the causes thereof, and affords an opportunity from practical observations to make recommendations or orders which will prevent the re-occurrence of such accidents, when the same are found to be due to the improper service or defective plant or equipment of the company.

Realizing the importance of obtaining the absolute facts from which the record of the causes, facts, and circumstances may be made and upon which recommendations or orders may

be predicated, the Commission has assumed a broad latitude in the investigation of accidents and has adopted, by a conference ruling, what at present seems to the Commission to be a fair and necessary policy in obtaining and preserving the most direct and reliable information. (A copy of said conference ruling is appended to this report).

COMPLAINTS AND PETITIONS.

A large proportion of the complaints have been in the nature of informal communications which have been taken up by the Commission and in practically every case where the complainant had any justification, a satisfactory adjustment has been made. Among the most important of the formal petitions heard are the following:

1. Petition of the City of Bridgeport and others for relief from the high steps on trolley cars. This matter was investigated very thoroughly by the Commission and on December, 30, 1911, the following, decision was rendered:

“The company, at the hearings, conceded the objectionable features of the high step, and offered as a possible tentative solution a plan requiring two steps or a double folding step on the side entrance, open, double truck cars, as the best solution the company had been able to arrive at, but one which it feared was liable to have objectionable features in the way of accidents to passengers alighting from cars.

“From the evidence submitted and from personal inquiry and investigation on the part of the Commission, it is apparent that some relief should be afforded to the public from the present indefensible high step, especially on double truck open cars put in service during the season of 1911.

“The high step evil has been a gradual growth due to larger cars, higher wheels, demand for greater speed and increased space required from the top of the rail to the bottom of the car body for the wheels, motor, brake rods, and clearance.

“The Connecticut Company has been gradually adopting a type of car constructed upon plans made and submitted by the company to car manufacturers, which is designed more es-

pecially for speed and carrying capacity than for the comfort and safety of the traveling public in boarding and alighting from the car, which latter essential requirement seems to have been overlooked; but the company, apparently realizing its error, has exhibited a disposition to overcome the objections and has rendered material assistance to the Commission in trying to arrive at a proper solution.

"During the past year The Connecticut Company put in service about seventy new double truck open cars with side entrance. The floors of these cars are approximately forty-one and one-half inches above the top of the track rail, with one "running board" step. The first step, measured from the top of the track rail to the top of the step, is twenty-two and three-fourths inches; from the step to the floor of the car, eighteen and three-fourths inches. The first step is reduced from one to two inches when car is loaded and is liable to be reduced to a maximum of two and one-half inches after a sufficient length of time in service, due to relaxation of springs and wearing of wheels.

"On center locations of single track line where highways are crowned and on suburban lines where highways are not paved, the ground is liable to be from one to four inches below the top of the rail, thus adding to the elevation of the first step.

"On the double truck closed cars now in service, the steps are found to vary as follows: first step, above top of track rails, from sixteen to twenty inches; from first step to platform or vestibule, fifteen to eighteen inches; from platform to floor of car, nine and one-half to ten and one-half inches.

"The very high step is decidedly inconvenient for passengers if not in fact injurious to the health and endangering the safety of the traveling public.

"The Connecticut Company has in service on its lines in Connecticut, the following:

468	Double truck open cars.
578	Double truck closed cars.
419	Single truck open cars.
281	Single truck closed cars.

A total of 1,746 cars.

These cars cost from four to six thousand dollars apiece, depending on the type, and the remedy naturally involves the re-equipment rather than the displacement of so large an amount of the company's rolling stock.

"The facts submitted to the Commission leave some doubt as to the best plan to adopt. It is found impossible to very materially lower the body of the car with the present under-frame and equipment and leave sufficient clearance, though a readjustment of the brake rod and some other minor changes of the under equipment might be made at a moderate expense and lower the body of the car from one to two inches. On the open side entrance car the two-step or folding-step plan seems to be the most feasible, though possessing the possible element of danger to passengers alighting from the car and the possibly greater danger in narrow city streets of obstructing public travel on the highway, as the double folding step would extend four and one-half inches into the highway beyond the present 'running board' step.

"The double folding step has been used with satisfactory results, apparently, in Albany, New York, for the past ten years; on the line from Northampton to Greenfield, Massachusetts, for the past four years; and on The Connecticut Company's line in the Hartford Division, known as the Farmington Street Railway Company's line, for the past few years. These are only a few of the places where the two-step side-entrance cars are in use.

"The Commission feels that the public should have some immediate relief, not only in Bridgeport, but all over the State, from the present objectionable high step, but, owing to the uncertainty and doubtful complete success of the remedy applied, we do not feel warranted at this time in passing an order requiring and putting the company to the very large expense of re-equipping and readjusting all its cars on a plan which future experience and use may prove an unsatisfactory adjustment. But if the plan adopted at the present time proves successful, the order may later be made general and applicable to other companies which would be affected thereby. We deem it in

the interest of public convenience and safety at this time to pass the following order:

“(1) The Connecticut Company is hereby ordered and directed to equip and adjust with easy double folding steps of the same or practically the same type as exhibited to the Commission by Mr. Punderford, the General Manager of The Connecticut Company, on December 12, 1911, at least fifty per cent. (50%) of all its double truck open cars; that is, at least two hundred thirty-four (234) cars, which shall include all the double truck open cars put in service during the season of 1911; the first or bottom step of such double folding step to be not more than sixteen (16) inches above the top of the track rail; the second step to be not more than thirteen (13) inches above the top of the first step and not more than thirteen inches below the top of the floor of the car body; one-half of said two hundred and thirty-four cars to be equipped with such double folding step on or before June 1, 1912, and the remaining one-half to be so equipped and this order fully complied with on or before July 1, 1912.

“(2) The Connecticut Company is hereby ordered and directed to relocate and readjust on all its double truck open cars the “grab handle”, so-called, at the end of each seat, by extending and lowering the same on the side posts as much as possible and still retain the present castings, for the convenience of passengers boarding and alighting from the car, the same to be done and completed and this order complied with on or before July 1, 1912.

“(3) The Connecticut Company is hereby ordered and directed to rearrange and relocate the steps on all its double truck closed cars, as follows: Where the underframe and equipment construction will admit of so doing, the top of step to be not more than fifteen (15) inches above the top of the track rail and not more than thirteen (13) inches below the platform or vestibule floor; and on all other double truck closed cars the top of step to be not more than sixteen and one-half ($16\frac{1}{2}$) inches above the top of track rail and not more than fifteen and one-half ($15\frac{1}{2}$) inches below the platform or vestibule

floor. As nearly all of the closed cars are now in active service, the work will have to be done gradually in order not to inconvenience travel by lack of cars, and the company is given until October 1, 1912, in which to complete said work and fully comply with this order, with the understanding, however, from statements made by Mr. Punderford, General Manager of The Connecticut Company, that the work of readjusting the steps on closed cars will begin immediately and be prosecuted as rapidly as possible without interfering with the service.

“(4) The Connecticut Company is hereby ordered and directed to place grab handles, so-called, on the bulkheads of all its double truck closed cars, which are not now so equipped, for the convenience of passengers boarding and alighting from cars, on or before October 1, 1912.

“(5) In view of the difficulty of readjusting steps and overcoming other possible objections on the cars already constructed and in service, the Commission recommends and requests The Connecticut Company, before ordering new cars in future, to submit plans thereof to the Commission for its approval.”

On September 11, 1911, Herbert O. Bowers, and fourteen other persons, petitioned asking that the trolley fare charged by The Connecticut Company between Manchester and Hartford be reduced from fifteen to ten cents. Various hearings have been held in this case. The Commission requested the company to furnish a large number of reports and records, which has been done, and the matter is still pending awaiting the arguments on January 26, 1912, of the attorneys representing the town and the railway company.

On September 26, 1911, upon petition of the Board of Trustees of The Connecticut Colony for Epileptics, to be located in the Town of Mansfield, we approved the construction and authorized the maintenance and operation of a side track at grade across the main highway between Willimantic and Stafford, said track to be connected with that of the New London Northern Railroad Company.

On October 26, 1911, upon petition of the City of Danbury, we ordered The New York, New Haven and Hart-

ford Railroad Company to extend the hours of operation of gates at Wildman Street crossing in said city, and required that a flagman be provided at said crossing when switching was being done over same during such hours as the gates were not in operation.

On November 14, 1911, we approved of modified plans presented by The New York, New Haven and Hartford Railroad Company for a new bridge over the tracks of said company at Ferry Street, in the City of New Haven. We determined the length, width, plan, and height of said bridge as required by statute, approved of proposed changes in grade of Ferry Street and Middletown Avenue in connection with the construction of said proposed bridge, of the discontinuance of certain parts of two triangular pieces of highway, and of the taking of certain parcels of land.

We ordered that a temporary foot-bridge be maintained during the construction of said bridge, provided the City of New Haven would agree to pay one-fifth and The Shore Line Electric Railway Company, whose tracks are to be laid across said bridge when completed, two-fifths, of the cost of construction and maintenance of said foot bridge. We understand this provision has been acquiesced to by the municipality and the railway company.

The cost of the new highway bridge was ordered to be paid by the railroad company, except a sum of \$2,750.00, which the Shore Line Electric Railway Company agreed to pay by reason of an additional estimated cost of the structure to make the same of sufficient strength to carry the tracks and cars of said company.

On November 25, 1911, a petition presented through a resolution of the Common Council of the City of Bridgeport, asking that the electric car service of The Connecticut Company on Barnum Avenue in said City be extended to a point known as Bruce's Brook, a distance of about one-half mile, was denied. This matter was very carefully considered. The Commission visiting the location and finding that the number of people located within the territory in question to be accommodated

was comparatively small, we did not feel warranted in ordering the service extended.

CONCLUSION.

The work of the Commission covers a new field of State supervision and regulation of public service corporations, and it will naturally take some little time both for the Commission and the companies to thoroughly systematize the work and satisfactorily adjust all the legitimate or meritorious complaints that may be made.

The policy of the Commission in handling informal complaints by first taking them up directly with the company in an informal manner, resulting in a satisfactory adjustment of practically all meritorious cases will, in our opinion, work a gradual improvement and a more satisfactory public service.

In closing this report we are pleased to state that all public service corporations have shown an agreeable disposition to co-operate with the work of the Commission and to fully comply with all suggestions, recommendations, and orders made.

Respectfully submitted,

Richard T. Higgins,

J. B. Ford

J. H. Hale

Public Utilities Commission

APPENDIX.

CONFERENCE RULING OF THE PUBLIC UTILITIES COMMISSION ON THE QUESTION OF WHAT AND HOW MUCH PUBLICITY SHOULD BE GIVEN, OR BY LAW IS REQUIRED TO BE GIVEN, TO THE FACTS, CIRCUMSTANCES, STATEMENTS, AND EVIDENCE OBTAINED BY THE COMMISSION IN CONNECTION WITH ACCIDENTS AND THE INVESTIGATION THEREOF.

“Chapter 128 of the Public Acts of 1911 abolished the office of Railroad Commissioners, and the powers and duties theretofore vested in the Railroad Commissioners, not inconsistent with said act, were transferred to and continued in the Public Utilities Commission, which was created by virtue of said act, which act expressly repealed all acts and parts of acts inconsistent therewith.

“The only statutory provisions relative to the publicity of the records and doings of the Board of Railroad Commissioners are to be found in Sections 3800 and 3881 of the General Statutes, revision of 1902, and the only provisions contained in the act creating the Public Utilities Commission are to be found in Sections 6 and 18 of Chapter 128 of the Public Acts of 1911.

“Section 3881 of the General Statutes provides that ‘The Commissioners shall keep a record of all communications addressed to them officially, of their official acts and proceedings, and all facts learned in relation to any casualty, with the names of the persons from whom such facts were obtained or by whom they may be proved.’

“The provisions of this section are substantially the same as those contained in Section 6 of Chapter 128 of the Public Acts of 1911, which, after reference to the office hours, reads

as follows: 'The Commission shall keep a record of all communications addressed to it, or to any of its members or employees officially, of all its and their official acts and proceedings, and of all facts learned in relation to any casualty or accident, with the names of the persons from whom such facts were obtained or by whom they may be proved.'

"This act provides that the Commission shall keep a record, but does not provide that it shall keep minute details upon which such record is based, and does not expressly provide that such record shall necessarily be open to the inspection of the general public. Section 3881 of the General Statutes provides that every railroad company shall notify the Commissioners of any accident attended with personal injury and that the Railroad Commissioners *may* inquire into the facts and circumstances of such accident. This section further provides that 'The Commissioners shall, without charge, furnish any person injured or the friends of any person killed, any information they may have acquired in relation to such accident, and the names of the persons from whom the same was obtained or by whom the same may be proved.'

"As the Act of 1911 creating the Public Utilities Commission expressly repealed all acts or parts of acts inconsistent therewith, Section 3800 of the General Statutes was repealed by virtue of the substitution therefor of Sections 17 and 18 of Chapter 128 of the Public Acts of 1911. Section 17 of this act provides that every public service company shall notify the Commission of any accident attended with personal injury and involving public safety, etc., and Section 18 provides that the Commission *shall* examine into the causes of and circumstances connected with all fatal accidents and also such other accidents as in its judgment shall require investigation.

"Section 18 further provides that 'The Commission shall make a record of the causes, facts, and circumstances of each accident within one month thereafter, and, as a part of such record, shall suggest means, if possible, whereby similar accidents may be avoided in the future. Such record shall be open to public inspection at the office of the Commission and

a copy thereof shall be mailed to the company affected thereby.' This section does not provide or require that the evidence and detailed statements obtained by the Commission and from which it makes up such record shall be open to public inspection or forwarded to the company. Only the record made by the Commission is required to be open to public inspection, a copy of which record is to be forwarded to the company affected thereby. Such copy so to be forwarded certainly should not include a copy of all notes, transcript of evidence, statements, photographs, exhibits, etc., which might be obtained by the Commission in its investigation.

"The record made by the Commission should contain a comprehensive statement of all the facts, and in view of the provisions of Section 6, should contain the names of the persons from whom such facts were obtained or by whom they may be proved.

"The law requiring the Commission to make an investigation of fatal accidents and of such other accidents as in its opinion should be investigated, is not for the purpose of furnishing facts and data to litigants in a civil action, but for the purpose of obtaining information whereby the Commission, which has supervisory and regulative powers, may have knowledge of all the facts and circumstances connected with such accidents and make such recommendations, suggestions or orders as will prevent the recurrence of such accidents, and for the general public safety.

"The only way in many cases in which the Commission can arrive at the absolute facts and circumstances in connection with an accident is by and with the friendly coöperation and assistance of the company and of the employees of the company affected by such accident, and in most cases the Commission will be better able to obtain these absolute facts in a quiet and if necessary private manner and by private examinations, rather than by public hearings. The statute lays down no formulæ and prescribes no rules as to how the investigation shall be made and, in requiring the Commission to make an investigation, it is fair to assume that the Commission

is permitted to exercise its best judgment in each case as to the manner of obtaining the information.

"The Commission should have, and we believe the law gives to it, practically the same powers relative to the investigation of accidents, as is conferred upon coroners in their investigations of the causes of death, in which case the State has seen the wisdom of giving to coroners the right to have the investigation or any part thereof held in private and the right to hear witnesses separately. In many cases this latter privilege is a highly important one.

"After obtaining the facts and circumstances connected with any accident, the Commission is required to make a record summarizing or stating what it finds as to the causes, facts, and circumstances of such accidents, suggesting means, if possible, whereby similar accidents may be avoided in future, and giving the names of the persons from whom such facts were obtained or by whom they may be proved. This record, under the law, is subject to public inspection.

"Probably most of these investigations will be made by the Chief Engineer and Inspector for the Commission, who should be given as broad a latitude as possible in obtaining information in arriving at the causes, facts, and circumstances connected with an accident, as distinguished from determining the civil or criminal liability of any person or persons, which is no part of this Commission's duty. Such investigations, for the success of the results obtained and particularly of future investigations, should not in most cases be held publicly or made public. (This, however, does not apply to hearings before the Commission upon petition and complaints, where parties are cited to appear, which are and should be public hearings.)

"The law does not require the Commission to give to the general public or to attorneys or parties interested in private litigation, a copy of the stenographic report or transcript of evidence, or of notes, exhibits, or other documentary evidence obtained by the Commission in connection with the investigation of accidents, or the privilege of inspecting the same, and the Commission is justified, having in view the efficient and

successful performance of its duty, in declining to give such details to the general public or to present or prospective litigants. The record will give the facts obtained by the Commission, the source of its information, and the names of the persons by whom the same may be proved.

“Under Section 3800 of the General Statutes the same kind and extent of investigation was not required, and the discretionary powers therein granted were seldom, if ever, exercised, and as stated before, we are of opinion that the present law supersedes and by virtue of its substitute provisions, repeals Section 3800.

“Based upon the foregoing reasoning and interpretation of the statutes, the Commission, in conference, rules:

“1. That only the record or finding made by the Commission of its examination into the causes of and circumstances connected with any accident, is a public record and subject to public inspection, and not the detailed statements upon which such record or finding is predicated.

“2. Any and all notes, transcript of evidence, statements, exhibits, photographs, and other matters obtained by the Commission in connection with any such examination, shall be carefully preserved and kept on file, the same to be available at any and all times when necessarily connected with any matter pertaining to the enforcement of any orders issued by the Commission or in which the State or the Commission is directly interested.

“3. That examination of witnesses may be made privately and separately if, in the opinion of the Commission, such course is desirable.

“Dated at Hartford, Connecticut, this fifth day of December, 1911.

PUBLIC UTILITIES COMMISSION,

Henry F. Billings

Secretary.”

Public Acts of 1911 Relative to the Public Utilities Commission.

CHAPTER 128.

An Act concerning the Regulation and Supervision of Public
Service Corporations.

*Be it enacted by the Senate and House of Representatives in
General Assembly convened:*

§ 1. Definitions. The term "commission" when used in this act shall mean the public utilities commission hereby created and the term "commissioner" shall mean a member of said commission. The term "electric company" when used in this act shall include every corporation, company, association, joint stock association, partnership, or person, or lessee thereof, owning, leasing, maintaining, operating, managing, or controlling poles, wires, conduits, or other fixtures, along public highways or streets, for the transmission or distribution of electric current for sale for light, heat, or power within this state, or engaged in generating electricity to be so transmitted or distributed for such purpose. The term "gas company" when used in this act shall include every corporation, company, association, joint stock association, partnership, or person, or lessee thereof, owning, leasing, maintaining, operating, managing, or controlling mains, pipes, or other fixtures, in public highways or streets, for the transmission or distribution of gas for sale for light, heat, or power within this state, or engaged in the manufacture of gas to be so transmitted or distributed for such purpose. The term "plant" when used in this act shall include all real estate, buildings, tracks, pipes, mains, poles, wires, and other fixed or stationary construction and equipment, wherever located, used in the conduct of the business of the company. The term "public service company" when used in this act shall include all common carriers, railroad, street railway, electric, gas, telephone, telegraph, and water companies owning, leasing, maintaining, operating, managing, or controlling plants, or parts of plants, or equipment, and all express companies having special privileges on railroads or street railways, within this state, but shall not include towns, cities, boroughs, or any municipal corporation or department thereof, whether separately incorporated or not.

The term "railroad company" when used in this act shall include every corporation, company, association, joint stock association, partnership, or person, or lessee thereof, owning, maintaining, operating, managing, or controlling any railroad, or any cars or other equipment employed thereon or in connection therewith, for public or general use within this state. The term "street railway company" when used in this act shall include every corporation, company, association, joint stock association, partnership, or person, or lessee thereof, owning, maintaining, operating, managing, or controlling any street railway, or any cars or other equipment employed thereon or in connection therewith, for public or general use within this state. The term "water company" when used in this act shall include every corporation, company, association, joint stock association, partnership, or person, or lessee thereof, owning, maintaining, operating, managing, or controlling any pond, lake, reservoir, or distributing plant employed for the purpose of supplying water for general domestic use in any town, city, or borough, or portion thereof, within this state.

§ 2. Appointments and terms. There is hereby established a public utilities commission, which shall consist of three electors of this state, appointed by the general assembly upon nomination by the governor as hereinafter provided. Within fifteen days after the passage of this act the governor shall nominate three members of such commission, and shall designate the term for which each is nominated. One of said commissioners shall serve until the first day of July, 1913, one until the first day of July, 1915, and one until the first day of July, 1917, and on or before the first day of May, 1913, and biennially thereafter, the governor shall nominate and the general assembly shall appoint one member of said public utilities commission to serve for the term of six years from the first day of July next succeeding his appointment and until his successor is duly appointed and qualified. Said commissioners shall be sworn to the faithful performance of their duties.

§ 3. Vacancies, how filled. If any vacancy occurs in said commission at any time when the general assembly is not in session, the governor shall appoint a commissioner to fill such vacancy until the rising of the next session of the general assembly. All other vacancies shall be filled, for the remainder of their respective terms, in the manner provided in section two.

§ 4. Qualifications and salaries. No officer, employee, attorney, or agent of any public service company shall be a member or employee of said commission. Each member of said commission shall receive a salary of five thousand dollars per annum and his necessary expenses. Such salaries and

expenses and the expenses of the commission shall be paid monthly from the treasury of the state.

§ 5. Removals. Misconduct, material neglect of duty, incompetency in the conduct of his office, or active participation in political management or campaigns by any commissioner shall constitute cause for removal. Such removal shall be made only after judgment of the superior court rendered upon written complaint of the attorney-general. The attorney-general may file such complaint in his discretion, and shall file such complaint if so directed by the governor, or if so requested in writing by one hundred electors of this state. Upon the filing of such complaint a rule to show cause shall issue to the accused, who may make any proper answer within such time as the court may limit, and shall have the right to be heard in his own defense and by witnesses and counsel. The procedure upon such complaint shall be similar to that in civil actions, but such complaint shall be privileged in order of trial, and shall be heard as soon as practicable. If, after hearing, the court shall find cause for removal, it shall render judgment to that effect, and thereupon the office of such commissioner shall become vacant; if the court shall find no cause for removal it shall dismiss the complaint.

§ 6. Office and records. The comptroller shall furnish the commission an office in the capitol, which it shall keep open during the usual business hours, and at which it shall keep all its records. The commission shall keep a record of all communications addressed to it, or to any of its members or employees, officially, of all its and their official acts and proceedings, and of all facts learned in relation to any casualty or accident, with the names of the persons from whom such facts were obtained or by whom they may be proved.

§ 7. Employees. The commission may appoint a secretary, and may employ such accountants, clerical assistants, engineers, inspectors, experts, and agents as it may require, and shall determine their compensation, but the expenditures of the commission shall not exceed the specific appropriations made, from time to time, for its use, by the general assembly. Said secretary shall give a bond to the state in such sum as the commission shall determine.

§ 8. Right of entry. Penalty. The commissioners and their employees engaged in the performance of their duties as such may, at all reasonable times, enter any premises, buildings, cars, or other places belonging to or controlled by any public service company, and any person obstructing or in any way causing to be obstructed or hindered any member or employee of the commission in the performance of his duties as such

shall be fined not more than two hundred dollars, or imprisoned not more than six months, or both.

§ 9. Examination of witnesses and documents. The commission may, in its discretion, delegate its powers, in specific cases, to one or more of its members to ascertain the facts and report thereon to the commission. The commission, or any member thereof, in the performance of its duties or in connection with any hearing, may summon and examine, under oath, such witnesses, and may direct the production of, and examine or cause to be produced or examined, such books, records, vouchers, memoranda, documents, letters, contracts, or other papers in relation to the affairs of any public service company as it may find proper, and shall have the same powers in reference thereto as are now vested in magistrates taking depositions. If any witness objects to testifying or to producing any book or paper on the ground that such testimony, book, or paper may tend to incriminate him, and the commission, or any member thereof, direct such witness to testify or to produce such book or paper, and he complies, or he be compelled so to do by order of court, he shall not be prosecuted for any matter concerning which he has so testified. The fees of witnesses summoned by the commission, or by any member thereof, to appear before it or him, under the provisions of this section, and the fees for summoning witnesses, shall be the same as in the superior court. All such fees, together with any other expenses authorized by this act the method of payment of which is not herein otherwise provided, shall, when taxed by the commission, be paid by the state, through the secretary of said commission, in the same manner as court expenses.

§ 10. Orders. All decisions, orders, and authorizations of the commission shall be in writing and shall specify the reasons therefor, shall be filed and kept in the office of the commission and recorded in a book kept by it for that purpose, and shall be public documents. Said commission may, at any time, for due cause shown, upon hearing had after due notice to all parties in interest, rescind, reverse, or alter any decision, order, or authorization by it made. Written notice of all orders, decisions, or authorizations issued by said commission shall be given to the company or person affected thereby, by personal service upon such company or person or by registered mail, as the commission shall determine.

§ 11. Enforcement of orders. The superior court, on application of the commission or of the attorney-general, may enforce, by appropriate decree or process, any provision of this act or any proper order of the commission rendered in pursuance of any such provision.

§ 12. Transfer of powers of railroad commissioners.

The office of railroad commissioner is hereby abolished, and all rights, powers, and duties heretofore vested in the railroad commissioners and not inconsistent with other provisions of this act are hereby transferred to and continued in the public utilities commission herein created; and all orders heretofore made by said railroad commissioners shall continue in force, except as hereafter altered or until reversed or rescinded by said public utilities commission; and all books, records, and other papers of the railroad commissioners are hereby transferred to the public utilities commission.

§ 13. Duties relative to safety of public and employees. The commission shall, so far as is practicable, keep fully informed as to the condition of the plant, equipment, and manner of operation of all public service companies, in so far as the safety of the public and of the employees of such companies may be involved, and may order such reasonable repairs or alterations in such plant or equipment, or such changes in the manner of operation, as may be reasonably necessary for public safety or for the health or safety of said employees.

§ 14. Complaints as to dangerous conditions. Any person or any town, city, or borough may make complaint, in writing, to the commission, of any defects in any portion of the plant or equipment of any public service company, or of the manner of operating such plant, by reason of which the public safety or the health or safety of employees is endangered; and, if he or it so requests, the name of the complainant shall not be divulged unless in the opinion of the commission the complaint is such that publicity is demanded.

§ 15. Procedure upon complaint. Upon receipt of such complaint the commission shall fix a time and place for hearing thereon, and shall give due notice thereof to all parties in interest, and shall make such further investigation into the alleged conditions as it shall deem necessary. If, upon such hearing, the commission shall find the conditions to be dangerous to public safety or to the safety of employees, it shall make such order as may be necessary to remedy the same, and shall furnish a copy of such order to the complainant, upon request. If the commission finds that the complaint is not justified, it shall so notify the complainant in writing, by registered letter, specifying the reasons for such finding, and shall file a copy of such notification in the office of the commission.

§ 16. Compliance with orders. Penalty. Every public service company shall comply, immediately, with any order of

the commission made in accordance with the provisions of the preceding section, and any company failing to comply with any such order shall be fined not more than one thousand dollars for each offense, and shall be liable in double damages for any injury or damage resulting to any person from such failure.

§ 17. Companies to report accidents. Every public service company shall, in the event of any accident, attended with personal injury or involving public safety, which was or may have been connected with or due to the operation of its plant or equipment, or caused by contact with its wires, notify the commission thereof, by telephone or otherwise, as soon as may be reasonably possible after the occurrence of such accident. If said notice be given otherwise than in writing it shall be confirmed in writing within five days after the occurrence of such accident. Any company failing to comply with the provisions of this section shall be fined not more than five hundred dollars for each offense.

§ 18. Duties of commission as to accidents. The commission shall examine into the causes of, and the circumstances connected with, all fatal accidents occurring in the operation of the plant or equipment of any public service company, and such other accidents, whether resulting in personal injury or not, as in its judgment, shall require investigation. The commission shall make a record of the causes, facts, and circumstances of each accident, within one month thereafter, and as a part of said record shall suggest means, if possible, whereby similar accidents may be avoided in the future. Such record shall be open to public inspection at the office of the commission and a copy thereof shall be mailed to the company affected thereby.

§ 19. Powers of commission concerning electricity and gas. The office of inspector-general of gas meters and illuminating gas is hereby abolished, and the duties heretofore invested in said officer shall hereafter be performed by the commission. The commission shall also have power to fix the standard of illuminating and heating power, purity, and quality of gas, to fix the initial efficiency of electric lamps furnished by electric companies, and to investigate and make orders regarding the pressure at which gas, and the voltage at which electricity, shall be distributed.

§ 20. Inspection of meters. Upon petition of any person, and the payment by such person of a fee of one dollar for each meter, the commission shall cause to be inspected any electric, gas, or water meter used in measuring electricity, gas, or water supplied to such petitioner. The company supplying electricity, gas, or water through such meter shall reimburse

the petitioner for said fee if such meter be found to be more than two per centum fast, in the case of a gas meter, or four per centum fast, in the case of an electric or water meter, and shall not again use such meter until corrected, and approved by the commission. The commission shall cause to be approved every electric, gas, or water meter in which the error does not exceed two per centum for gas meters or four per centum for electric or water meters, and shall cause the same to be stamped with some suitable device and the date of approval.

§ 21. Establishment of through routes and transportation. If the lines of any two or more common carriers or railroad or street railway companies form, or by the construction and maintenance of a switch or other suitable connection could be made to form, a continuous line of transportation, the commission, upon hearing, after due public notice, may authorize or require the establishment by such companies, at joint rates, of through routes or transportation for passengers or for such freight or other property as the commission may designate; and the commission may, after due hearing, require any of such companies to operate, over its lines, cars of other equipment delivered by any other of such companies. If such companies cannot agree as to the division of rates or the conditions under which such through routes or transportation shall be established or such cars or other equipment operated, the commission shall have power, after due hearing, to determine and prescribe the proportionate portions of such through rates payable to each of such companies necessary to the establishment of such through routes or transportation, or to the operation of such cars or other equipment.

§ 22. Plant and equipment to be adequate. Any town, city, or borough within which, or between which and any other town, city, or borough in this state, any public service company is furnishing service, or any ten patrons of any such company, may bring a written petition to the commission alleging that the plant or equipment of such company is inadequate or unsuited to the public need. Thereupon the commission shall fix a time and place for a hearing upon such petition, and shall mail notice thereof to the parties in interest and give due public notice thereof at least one week prior to such hearing. Upon said hearing the commission may, if it finds such plant or equipment to be inadequate or unsuited to the public need, order and prescribe such plant or equipment as shall be adequate and suitable, and fix a time within which said company shall construct such plant or obtain such equipment. It shall thereupon be the duty of such company to

construct such plant or obtain such equipment within the time so fixed.

§ 23. Rates and service affecting many persons.

Any town, city, or borough within which, or between which and any other town, city, or borough in this state, any public service company is furnishing service, or any ten patrons of any such company, or any such company furnishing service in accordance with, or at rates prescribed by, an order of the commission, may bring a written petition to the commission alleging that the rates or charges made by such company or prescribed by the commission are unreasonable, or that the service furnished by such company is inadequate to, or the service ordered by the commission exceeds, public necessity and convenience. Thereupon the commission shall fix a time and place for a hearing upon such petition, and shall mail notice thereof to the parties in interest and give due public notice thereof at least one week prior to such hearing. Upon said hearing the commission may, if it finds such rates and charges to be unreasonable, or such service to be inadequate or excessive, determine and prescribe an adequate service to be thereafter furnished or just and reasonable maximum rates and charges to be thereafter made by such company, and such company shall thereafter furnish the service so prescribed, and shall not thereafter demand any rate or charge in excess of the maximum rate or charge so prescribed.

§ 24. Rates and service affecting a single person.

If any water, gas, electric, or telephone company shall unreasonably fail or refuse to furnish adequate service at reasonable rates to any person within the territorial limits within which such company has, by its charter, authority to furnish such service, such person may bring his written petition to the commission alleging such failure or refusal. Thereupon the commission shall fix a time and place for a hearing upon such petition, and shall mail notice thereof to the parties in interest at least one week prior to such hearing. Upon said hearing the commission may, if it finds that such company has unreasonably failed or refused to furnish such person with adequate service at reasonable rates, prescribe the service to be furnished by such company to such person, and the conditions under which, and maximum rates or charges at which, such service shall be furnished. Such company shall thereafter furnish such service to such person in accordance with the conditions so prescribed, and shall not thereafter demand or collect any rate or charge for such service in excess of the maximum rate or charge so prescribed.

§ 25. Returns required from public service companies. The commission shall annually, on or before the thirtieth day of June, furnish to every public service company duplicate blanks for reports, in such form as the commission may prescribe; provided, that such blanks for reports to be furnished by companies engaged in interstate commerce shall be in the form, if any, required by the interstate commerce commission. All reports shall be for the year ending on the thirtieth day of June. Every such company receiving such blank forms shall return one of them to the commission on or before the fifteenth day of September next following, with all questions therein fully answered. Such report shall be signed and sworn to by the president or vice-president and treasurer of the company, or by a majority of the trustees or receivers, making the same. Every company which shall refuse or neglect to make such report shall forfeit to the state twenty-five dollars for each day of such neglect or refusal, and the commission shall report such forfeiture to the state treasurer, who shall collect the same.

§ 26. Contents and correction of returns. Every public service company shall make its annual reports strictly according to the forms provided, and if it shall find it impracticable to answer all the items in detail as required it shall state in its report the reasons why such details cannot be given; but no company shall be excused from giving such details for the reason that it does not keep its accounts in such manner as will enable it to do so. When any such report seems to the commission defective or erroneous it may notify the company making the same, and require the amendment of such report within fifteen days from the time of giving such notice, under the same penalty as provided for refusing or neglecting to make such report; and the commission may examine the officers, agents, and employees, books, records, accounts, vouchers, plant, and equipment of such company, and may correct such items in such report as, upon such examination, the commission may find ought to be corrected.

§ 27. Penalty for false returns, et cetera. Every person who shall wilfully make any false return or report to the commission, or to any member thereof, or to any agent or any employee acting therefor, or who shall testify or affirm falsely to any material fact in any matter wherein an oath or affirmation is required or authorized, or who shall make any false entry or memorandum upon any account, book, paper, record, report, or statement of any company, or who shall wilfully destroy, mutilate, alter, or by any other means

or device falsify or destroy the record of any such account, book, paper, record, report, or statement, with the intent to mislead or deceive the commission, or any member thereof, or any agent or employee acting therefor, or who shall willfully obstruct or hinder the commission, or any of its members, agents, or employees, in the making of any examination of the accounts, affairs, or condition of any company, and any person who, with like intent, aids or abets another in any of the acts hereinbefore set forth, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

§ 28. Annual reports to governor. The commission shall render, on or before the first day of December in each year, a report to the governor, stating the general conduct and financial condition of all public service companies as ascertained by the commission from the returns of the companies and examinations by the commission, together with such other facts and recommendations as, in the opinion of the commission, will increase the public safety or be for the public interest, together with its reasons for such recommendations.

§ 29. Appeals to superior court. Any company, town, city, borough, corporation, or person aggrieved by any order, authorization, or decision of the commission in any matter to which he or it was or ought to have been made a party may appeal therefrom to the superior court, within fifteen days after the filing of such order, authorization, or decision; but said commission may extend the time for the filing of such appeal for an additional period of not more than fifteen days. The party so appealing shall give bond to the state, with sufficient surety, for the benefit of the adverse party, in such sum as said commission shall fix, to pay all costs in case he or it fails to sustain such appeal.

§ 30. Venue. Said appeal shall be brought in the county in which is located the matter, or any portion thereof, concerning which such order, authorization, or decision was made, or, if such order, authorization, or decision did not pertain to any such localized matter, then such appeal shall be brought in Hartford county. No such appeal shall abate by reason of any error of venue, but such appeal may be transferred at any time, on motion of any party or by order of the court, to the proper venue. It shall be the duty of the attorney-general to appear for and represent the commission in all proceedings had upon any such appeal.

§ 31. Procedure. **QUESTIONS REVIEWED.** Each appeal shall be brought by a complaint in writing, stating fully the

reasons therefor, with a proper citation, signed by competent authority, to all parties to said proceedings having an interest adverse to the appellant, and shall be served upon such parties at least twelve days before the return day. Such appeals shall be brought to the next return day of said court after the filing of said appeal, if there be sufficient time for giving the notice provided for by this act, otherwise to the return day next but one after such filing. Said court shall hear such appeal and re-examine the question of the legality of the order, authorization, or decision appealed from, and the propriety and expediency of such order, authorization, or decision, in so far as said court may properly have cognizance of such subject, either by itself or a committee, and shall proceed thereon in the same manner as upon complaints for equitable relief; and the decision of such court, subject, however, to review on appeal to the supreme court of errors on questions of law, shall be final and conclusive upon the parties.

§ 32. Notice of appeal when parties are numerous.

When the persons who should otherwise be made parties to such appeal are so numerous that it would be impracticable or unreasonably expensive to make them all parties by personal service, the court to which such appeal is taken, or, if said court is not in session, any judge of the superior court, may order notice of such appeal to be given, by some method other than by personal service, to such of the parties as said court or judge shall deem just and equitable, and notice so given shall operate to bind the interests of such parties on such appeal as fully as if personal service had been made upon said parties.

§ 33. When appeal will suspend operation of order.

Every such appeal shall be a supersedeas of the order, authorization, or decision appealed from, except as otherwise provided by statute; provided, that the court to which any such appeal is brought, or, if such court is not in session, any judge of the superior court, may at any time order that such appeal shall not so operate if, in the opinion of such court or judge, the appeal is brought for purposes of delay, or if justice, or equity, or public safety, or expediency shall so require; or such court or judge may order that such appeal shall so operate only upon compliance by the parties, or any of them, with such terms or conditions as such court or judge may determine.

§ 34. Rights and duties of trustees and receivers.

When any company shall be operated by a trustee or receiver such trustee or receiver shall have all the powers, and shall be subject to all the duties, obligations, and penalties which such company would otherwise have or to which it would be

subject under the provisions of this act, except in so far as the same may be inconsistent with the rights, duties, or obligations of such trustee or receiver as an officer of the court appointing him.

§ 35. General penalty. Every corporation, its officers, agents, and employees, shall obey, observe, and comply with every order made by the commission by virtue of this act so long as the same shall remain in force. Any such corporation, or any officer, agent, or employee thereof, who fails or neglects to obey or comply with any such order, or any provision of this act for which no other penalty is prescribed, shall be fined not more than five thousand dollars for each offense. Each distinct violation of such order, or of this act, shall be a separate offense, and in cases of a continued violation each day thereof shall be deemed a separate offense.

§ 36. Act not to affect labor contracts. Nothing in this act shall be construed to authorize the commission to interfere in any manner with contracts between public service companies and their employees.

§ 37. Act to be amendatory of charters. The provisions of this act shall be deemed to be amendatory of all charters of public service companies chartered by, or organized under the laws of, this state and shall repeal all powers and limitations in any such charters in so far as the same are inconsistent herewith; and all powers and privileges conferred, and all duties and obligations imposed, upon such companies by the provisions of this act are conferred or imposed upon such companies in the same manner and to the same extent as if the provisions of this act were parts of the charters of such companies.

§ 38. Repeal. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 39. Act, when operative. This act shall take effect sixty days after its passage, except the provision relating to the appointment of commissioners, which provision shall take effect from the passage of this act.

CHAPTER 196.

An Act amending an Act Concerning the Removal of Grade Crossings.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 3713 of the general statutes is hereby amended to read as follows: The selectmen of any town, the mayor and common council of any city, the warden and burgesses of any borough, within which a highway crosses or is crossed by a railroad, or the directors of any railroad company whose road crosses or is crossed by a highway, may bring their petition in writing to the public utilities commission, alleging that public safety requires an alteration in such crossing, its approaches, the method of crossing, the location of the highway or crossing, the closing of a highway crossing and the substitution of another therefor, not at grade, or the removal of obstructions to the sight at such crossing, and praying that the same may be ordered; whereupon said commission shall appoint a time and place for hearing the petition, and shall give such notice thereof to such petitioners, the company, the municipality or municipalities in which such crossing is situated, and the owners of the land adjoining such crossing and adjoining that part of the highway to be changed in grade, as it shall judge reasonable; and after such notice and hearing said commission shall determine what alterations or removals, if any, shall be made and by whom made. If such petition is brought by the directors of a railroad company, or in behalf of any such company, said commission shall order the expense of such alterations or removals, including the damages to any person whose land is taken, and the special damages which the owner of any land adjoining the public highway shall sustain by reason of any such change in the grade of such highway, to be paid by the company owning or operating the railroad in whose behalf the petition is brought; and in case such petition is brought by the selectmen of any town, the mayor and common council of any city, or the warden and burgesses of any borough, it may, if the highway affected by such determination was in existence when the railroad was constructed over it at grade, or if the layout of the highway was changed for the benefit of the railroad after the layout of the

railroad, order an amount not exceeding one-quarter of the whole expense of such alteration or removal, including the damages, as aforesaid, to be paid by the town, city, or borough in whose behalf the petition is brought, and the remainder of the expense shall be paid by the company owning or operating the road which crosses such public highway; if, however, the highway affected by such last-mentioned order has been constructed since the railroad which it crosses at grade, said commission may order an amount not exceeding one-half of the whole expense of such alteration or removal, including the damages, as aforesaid, to be paid by the town, city, or borough in whose behalf the application is brought, and the remainder of the expense shall be paid by the company owning or operating the road which crosses such public highway. The directors of every company which operates a railroad in this state shall remove or apply for the removal of at least one grade crossing each year for every fifty miles of road operated by it in this state, which crossings so to be removed shall be those which in the opinion of said directors are among the most dangerous upon the lines operated by it; and if the directors of any railroad company fail so to do, said commission shall, if in its opinion the financial condition of the company will warrant, order such crossing or crossings removed as in its opinion said directors should have applied for the removal of under the above provisions, and said commission in so doing shall proceed in all respects as if the said directors had voluntarily applied therefor.

CHAPTER 207.

An Act amending an Act concerning Highway Bridges crossed by Street Railways.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

§ 1. Section one of chapter 233 of the public acts of 1909 is hereby amended to read as follows: Whenever any highway bridge over which a street railway is operated shall become unsafe for public travel, the company operating such railway shall pay the whole expense of repairing, strengthening, or reconstructing such bridge, if such bridge would be safe for public travel if such railway were not operated over it; but if a reconstruction of such bridge or the construction of a new bridge is required for any other cause or if such bridge would be unsafe for public travel if such railway were not operated over it,

then so much of the expense of repairing, strengthening, constructing, or reconstructing such bridge as may be equitable shall be paid by the company operating such railway. In the event of any disagreement between such railway company and the municipality or municipalities bound by law to maintain any such bridge, as to the necessity of any repair or reconstruction thereof, or as to the character of such repair or reconstruction, or as to the apportionment of the expense of such repair or reconstruction, the public utilities commission, upon application of any party in interest, and after due hearing, shall, subject to the provisions of section 3832 of the general statutes, make such orders as it shall deem necessary, in the interest of public safety, for the repair, strengthening, or reconstruction of such bridge, and shall determine, in accordance with the principle herein stated, the portion of the expense of such repair, strengthening, or reconstruction which shall be borne by such railway company.

§ 2. The provisions of this act shall not apply to the repairing, strengthening, constructing, or reconstructing of any bridge concerning which any contract exists between any street railway company and any municipality or concerning which any condition has been imposed upon any street railway company during the continuance of such contract.

CHAPTER 230.

An Act concerning the Powers of the Public Utilities Commission concerning Poles and Wires.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

§ 1. The public utilities commission shall have power, after notice to the corporations interested and public hearing, to require any public service corporation or corporations maintaining a line or lines of poles and wires in this state to change the location of such poles and wires in the public highways whenever public convenience or necessity requires such change and, in case two or more corporations are using or maintaining lines of poles or wires in the same street, to require the wires of such corporations to be strung upon one or more lines of poles to be owned and maintained by the corporations using the same as said commission shall determine.

§ 2. Any corporation failing to comply with any such order shall be liable to the penalties provided in section thirty-five of chapter 128 of the public acts of 1911.

CHAPTER 266.

An Act concerning the Formation or Alteration of Telephone Exchanges.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section twenty-four of chapter 128 of the public acts of 1911, requiring a telephone company to furnish adequate service at reasonable rates, shall be so construed as to include telephone exchange areas.

CHAPTER 288.

An Act concerning Commercial Sidetracks.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

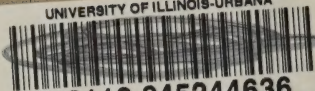
§ 1. The public utilities commission is empowered, on the application, in writing, of the selectmen of any town, the mayor and common council of any city, or the warden and burgesses of any borough, to make all necessary orders concerning the laying of commercial or industrial sidetrack or sidetracks, at grade, upon or across any highway within the limits of such town, city, or borough.

§ 2. The location of all sidetracks heretofore laid across any highway at grade, under orders of the railroad commissioners made upon application of the mayor of any city, the selectmen of any town, or the warden of any borough, purporting to be authorized by section 3892 of the general statutes, is hereby validated.

§ 3. This act shall take effect from its passage.



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